S.B. Civil Writ Petition No.1870/06
Rajendra Kumar Choudhary Vs. State & Ors.

Date of Order : 08/03/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Satish Bijarniya, for petitioner

Instant petition has been filed questioning the order of compassionate appointment offered to the respondent No.3 by the Government vide order dt.14th November, 2005.

Counsel for petitioner submits that the present petitioner is son of deceased Shri Laxmi Narain who served the State Government and died while in service on 17th August, 2005. The main bone contention of the counsel is that respondent No.3 to whom appointment has been offered was not legally wedded wife of the deceased. On a question put to the counsel, he submits that respondent No.3 with the wedlock of deceased has three daughters and in support of his contention, he has placed on record the Voter List Ann.5 to show that earlier his father was married to Smt. Ganga. This fact has not been disputed that petitioner's father also married to respondent No.3 and three daughters from this wedlock to whom she has to provide assistance. It

has been informed that petitioner's mother and so also respondent No.3 are both real sisters and petitioner is leaving separately from her mother. In my opinion, whether the respondent No.3 is the legally wedded wife of the deceased or he was first married to Smt. Ganga Devi are disputed question of fact which cannot be examined under writ jurisdiction of this court, but the petitioner has not disputed about their marriage and out of this wedlock they have 3 daughters. Taking into consideration overall material on record, I am not inclined to interfere in the order impugned.

Consequently, the writ petition fails and is hereby dismissed.

[Ajay Rastogi],J.

FRB